

EXHIBIT C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ABRAHAM KAFF, ARI PFEFFER and
RAQUEL JAGER on behalf of themselves
and all other similarly situated consumers

Plaintiffs,

vs.

NATIONWIDE CREDIT, INC.

Defendant.

CLASS ACTION

NO. 13-cv-5413 (SLT-PK)

Declaration of Brian L. Bromberg

I, Brian L. Bromberg, make the following declaration under 28 U.S.C. § 1746:

1. A brief biography of my qualifications can be found below under the heading “Background and Qualifications.” I am in good standing with all courts in which I practice. I am making this declaration upon personal knowledge.

2. I am familiar with the work of the Chicago, Illinois firm of Edelman, Combs, Lattuner & Goodwin, LLC (the “Edelman Firm”).

3. I am making this declaration at the request of the Edelman Firm and in support of their petition for attorney fees and costs.

4. It is my understanding that the Court has requested information concerning the prevailing rates for plaintiffs’ attorneys seeking fees in class actions brought under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692, *et seq.*

5. Since its inception in 1991, the Edelman Firm has litigated hundreds of class actions in state and federal courts around the country, including cases under the FDCPA, the Telephone Consumer Protection Act ("TCPA"), the Truth in Lending Act ("TILA"), the Real Estate Settlement Procedures Act ("RESPA"), and the Fair Credit Reporting Act ("FCRA"), as well as state unfair and deceptive practice statutes, predatory lending and mortgage servicing abuses, and automobile sales and financing abuses. The Edelman Firm or its members have been appointed co-lead counsel or liaison counsel in a number of Multidistrict District Litigations.

6. I have known Daniel A. Edelman, Esq., for approximately 15 years. He is the managing partner of the Edelman Firm and a 1976 graduate of the University of Chicago Law School, successfully argued the first FDCPA case before the Supreme Court in *Heintz v. Jenkins*, 514 U.S. 291 (1995), has published widely on consumer-related topics, and spoken before various legal organizations and institutes, as well as the Federal Trade Commission and the Illinois legislature. He is a pioneer in the field of consumer-protection law.

7. Cathleen Combs, Esq., another managing partner at the Edelman firm is a 1976 graduate of Loyola University Law School. Ms. Combs has argued numerous cases in the First, Third and Seventh Circuit Courts of Appeal and the Illinois Appellate Court. I have known Ms. Combs for approximately 10 years. She too is a pioneer in the field of consumer-protection law.

8. Tiffany N. Hardy, Esq. is a 2001 graduate of the Syracuse University College of Law and began her employment with the Edelman Firm in September

2007. Ms. Hardy began her career as a judicial law clerk to the Honorable John G. Himmelberger (Ret.) at the Superior Court of New Jersey. Subsequently, Ms. Hardy worked at the Legal Aid Society of Mid-New York, Inc in Utica, New York where her practice included representing consumers in connection with bankruptcy petitions and combating unlawful debt collection efforts, including garnishments and levies of bank accounts containing exempt funds. After two-and-a-half years as a staff attorney at the Legal Aid Society of Mid-New York, Inc., Ms. Hardy worked as a staff attorney for the Legal Aid Society of the District of Columbia, and later as a staff attorney in the housing unit at the Sargent Shriver National Center on Poverty Law.

9. Now a member of the firm, Ms. Hardy has litigated dozens of FDCPA class actions, as well as numerous actions under the TCPA and the TILA. Some of Ms. Hardy's reported cases include *Marquez v. Weinstein, Pinson & Riley, P.S.*, 836 F.3d 808 (7th Cir. 2016); *Hart v. FCI Lender Services* 797 F.3d 219 (2nd Cir. 2015); *McMahon v. LVNV Funding, LLC* 807 F.3d 872 (7th Cir. 2015); *McMahon v. LVNV Funding, LLC*, 744 F.3d 1010 (7th Cir. 2014)(Class certification); *Tocco v. Real Time Resolutions, Inc.*, 48 F. Supp.3d 535 (S.D.N.Y. 2014); *Diaz v. Residential Credit Solutions, Inc.*, 965 F.Supp.2d 249 (E.D.N.Y. Apr. 29, 2013); *Ramirez v. Palisades Collection, LLC*, 250 F.R.D. 366 (N.D. Ill. 2008)(class certification); *Ramirez v. Palisades Collection, LLC*, 07 C 3840, 2008 WL 2512679 (N.D. Ill. June 23, 2008) and *Cotton v. Asset Acceptance, LLC*, 07 C 5005, 2008 WL 2561103 (N.D. Ill. June 26, 2008). Ms. Hardy is admitted to practice in the Second Circuit Court of Appeals,

the Seventh Circuit Court of Appeals, the United States District Courts for the Eastern, Southern, Northern and Western Districts of New York, the Northern, Central, and Southern Districts of Illinois, the Eastern District of Wisconsin, and the Northern and Southern Districts of Indiana. Ms. Hardy is also a member of the New York, District of Columbia and Illinois state bars. While I do not know Ms. Hardy as well as I know Mr. Edelman and Ms. Combs, I have relied on – and been impressed by – the case law she has helped developed in the field of FDCPA litigation.

10. I understand that the Edelman Firm is petitioning the Court for lodestar fees based upon the following proposed hourly rates:

<u>Attorney</u>	<u>Year admitted to bar</u>	<u>Proposed rate</u>
Dan Edelman	1976	\$700.00
Cathleen Combs	1976	\$700.00
Tiffany Hardy	2002	\$325.00

11. I have knowledge and familiarity with the hourly rates charged by attorneys of the same experience level as the aforementioned attorneys, and in my judgment the hourly rates proposed by the Edelman Firm are reasonable. The rates are within the range currently charged by similarly experienced attorneys for practice in the United States District Court for the Eastern District of New York.

12. While the rates charged by Mr. Edelman and Ms. Combs are on the high end for FDCPA cases in this District, they are more than reasonable for

pioneers in consumer protection like Mr. Edelman and Ms. Combs. To use a colloquialism, Mr. Edelman and Ms. Combs are considered “rock stars” in the field. With respect to Ms. Hardy, the rates charged are on the low end for a lawyer of her abilities and experience.

Background and Qualifications

13. I graduated Oberlin College in 1987 with a B.A. in philosophy.
14. I graduated Brooklyn Law School in 1991.
15. I have been admitted to the New York State Bar since early 1992, and I have practiced law in New York City ever since.
16. I have been admitted to the California Bar since 2006.
17. I am admitted to numerous federal district and circuit courts.
18. I have been practicing consumer law almost exclusively since 1999.
19. I opened my own firm, the Bromberg Law Office, P.C., in 2001.
20. A search in Westlaw’s ALLCASES database for my name will pull up over 170 opinions on cases in which I was involved, most of which involved consumer protection litigation and many of which involved class action issues.
21. I also frequently speak at conferences given by the National Consumer Law Center and the National Association of Consumer Advocates, and I have spoken to many other bar organizations over the years.
22. I am on the Board of Directors of the National Association of Consumer Advocates; I am also the Treasurer.
23. Mr. Edelman and Ms. Combs are both members of NACA.

24. Based on my experience as a New York City lawyer for 25 years and as a consumer-protection lawyer for 18 years, I am familiar with the prevailing rates for plaintiffs' lawyers practicing consumer-protection and class-action law in the Eastern District of New York.

25. I bill \$400 to \$550 for my services in consumer-protection cases.

26. As my expertise in the field of consumer litigation has increased, federal judges in Brooklyn, Manhattan, Central Islip, and White Plains have by-and-large steadily increased my approved rates:

- a. \$200/hour – *Cooper v. Sunshine Recoveries, Inc.*, No. 00-CIV-8898(LTS)(JCF), 2001 WL 740765 (S.D.N.Y. Francis, M.J. June 27, 2001) (FDCPA case in Manhattan)
- b. \$225/hour – *Kapoor v. Rosenthal*, 269 F.Supp.2d 408 (S.D.N.Y. Ellis, M.J. 2003) (FDCPA case in Manhattan)
- c. \$300/hour – *Cinelli v. MCS Claim Svcs.*, 236 F.R.D. 118 (E.D.N.Y. Boyle, M.J. 2006) (FDCPA case in Central Islip)
- d. \$300/hour – *Larsen v. JBC Legal Group, P.C.*, 588 F.Supp.2d 360 (E.D.N.Y. Boyle, M.J. 2006) (FDCPA case in Central Islip)
- e. \$350/hour (plus a 1.38 multiplier) – *Lewis v. Northeast Credit & Collections, Inc.*, S.D.N.Y. No. 07-CV-11593(SCR) (Robinson, J.) (FDCPA case in White Plains; no written decision, but the multiplier request and the resulting court order, filed September 2, 2009, are reflected on PACER)

- f. \$400/hour (plus a 2.0 multiplier) – *Schwartz v. GE Capital Consumer Card Co.*, E.D.N.Y. No. 06-CV-394(JMA) (Azrack, M.J.) (TILA case in Brooklyn; no written decision, but the multiplier request and the resulting order, filed September 25, 2007, are reflected on PACER)
- g. \$450/hour (plus a 2.25 multiplier) – *Rubinstein v. Department Stores National Bank*, No. 08-cv-1596(LTS)(GWG), 2011 WL 147721 (S.D.N.Y. Jan. 11, 2011)
- h. \$500/hour – *Milo v. Barneys, Inc.*, SDNY, Case No. 10-cv-3133 (PKC) (TILA case in Manhattan; no written decision, but the rate and the resulting order are reflected on PACER)
- i. \$550/hour (plus a 3.2 multiplier) – *Strubel v. Talbots Classics National Bank*, S.D.N.Y., Case No. 13-CV-1106 (PAE) (no written decision, but a transcript of the final approval hearing is available)

27. My most recent fee award in an FDCPA class action in this District was from the Honorable Viktor V. Pohorelsky, at a rate of \$400 an hour. *See Torres v. Toback, Bernstein & Reiss LLP*, No. 11-CV-1368, 2017 WL 281878 (E.D.N.Y. Jan. 23, 2017).

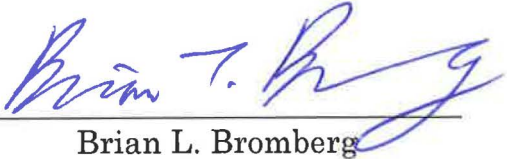
28. In the *Torres* opinion, Magistrate Judge Pohorelsky also awarded my firm \$200 an hour for the work of a former associate. I bill my associates for their work at \$200-\$350 an hour.

29. I have also been advised that the petitioning law firm of Edelman Combs Lattuner & Goodwin, LLC is seeking a lodestar fee for paralegals based on

a rate of \$125.00 per hour. This rate is consistent with the market rate for paralegals in the New York geographic area, and within the United States District Court for the Eastern District of New York. The rates for paralegal time I have seen are typically in the range of \$75-\$150 an hour.

30. I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
February 22, 2017


Brian L. Bromberg